HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No. 348, 351, 354, 355 & 357 of 2007

-
-

Writ Appeal No.348 of 2007

Between:
Col. D.S. Raju Polytechnic
…Appellant

And
R. Venkata Raju & others
….Respondents.

Writ Appeal No. 351 of 2007

-
-

Between:
Col. D.S. Raju Polytechnic
…Appellant

And
V.V. Satyanarayana Raju & others
….Respondents

Writ Appeal No. 354 of 2007

-

Between:
Col. D.S. Raju Polytechnic
…Appellant

And
V.B.S.S. Rama Krishnam Raju & others
….Respondents.

Writ Appeal No. 355 of 2007

-
-

Between:
Col. D.S. Raju Polytechnic
…Appellant

And
M. Baby Sarojini & others
….Respondents.

Writ Appeal No. 357 of 2007

-
-

Between:
Col. D.S. Raju Polytechnic
…Appellant

And
K. Vijaya Gopal & others
….Respondents.

:: J U D G M E N T ::

Counsel for the appellant: Shri K. Chidambaram

Counsel for respondent No.1: Shri M. Pandu Ranga Rao

Counsel for respondent Nos.2 & 3: Government Pleader for Education

April 30, 2007

Per G.S. SINGHVI, CJ

These appeals by Col.D.S.Raju Polytechnic, Poduru (for short, 'the college') are directed against order dated 19-4-2007 passed by the learned Single Judge whereby he disposed of the writ petitions filed by respondent No.1 in each of these appeals by relegating them to the alternative remedy of appeal with the direction that order dated 12-4-2007 passed by the management of the college shall remain stayed till the disposal of the appeals.

For the sake of convenient reference, the direction given by the learned Single Judge, which has been impugned in these appeals, is reproduced below:

> "The petitioners shall file appeal under Section 89 of the A.P. Education Act, 1982 assailing the orders dated 25.01.2007 passed by the Director of Technical Education and the consequential orders dated 12.04.2007 passed by respondent No.4 retrenching their services, accompanied with an application for stay, within a period of one week from today, and if such appeals are filed, the Government shall consider and dispose of the appeals and stay applications, in accordance with law, and pass appropriate orders thereon, within a period of two weeks thereafter. Till such time, the impugned orders dated 12.04.2007, passed by respondent No.4, retrenching the services of the petitioners shall stand stayed. Since it is stated by the learned Standing Counsel for respondent No.4 that respondent No.4 had already paid the retrenchment compensation to the petitioners. Respondent No.4 is at liberty to adjust the said amount against the wages payable to the petitioners."

Shri K. Chidambaram, learned counsel for the appellant relied on the judgment of the Constitution Bench of the Supreme Court in **State of Orissa v. Madan Gopal Rungta**[1] and argued that while disposing of the writ petitions filed by the contesting respondents and relegating them to the alternative remedy of appeal, the learned Single Judge could not have passed an interlocutory order, which has the effect of virtually nullifying the action taken by the management of the college to terminate their services.

We have considered the submission of the learned counsel, but do not consider it necessary to decide the issue raised in the appeals because, by a separate order passed today in Writ Appeal No.359 of 2007 and batch filed by the writ petitioners, we have set aside the order of the learned Single Judge and remitted the case for adjudication of the writ petitions on merits.

In view of the above development, these appeals are disposed of as infructuous with liberty to the appellants to contest the prayer for interim relief made by the writ petitioners.

As a sequel to disposal of the appeals, WAMP Nos. 658, 667, 670, 671 and 675 filed by the appellant college for interim relief are disposed of as infructuous.

G.S.SINGHVI, CJ

April 30, 2007

C.V.NAGARJUNA REDDY, J

SVS

---

[1] AIR 1952 SC 12